

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

MARLON BOWLES)
)
Plaintiff,)
)
vs.) Case No. 1:20-cv-07413
)
ABBVIE INC., ABBVIE 1-100)
AND ABBOTT 1-100)
)
Defendants.)

**DEFENDANT ABBVIE INC.’S UNOPPOSED MOTION REGARDING EXTENSION OF
PAGE LIMITS FOR ITS UPCOMING MEMORANDUM IN SUPPORT OF ITS
MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT**

Defendant AbbVie Inc. (“AbbVie”) respectfully submits this Motion and requests approval to extend the page limit for its upcoming Memorandum in Support of its Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (“AbbVie’s Brief” or “Brief”) to total no more than 20 pages. In support of this Motion, AbbVie states as follows:

1. Plaintiff filed this lawsuit on December 15, 2020. [Dkt. No. 1]. AbbVie was served on January 12, 2021. In response to Plaintiff’s Complaint, on February 8, AbbVie filed a Motion to Dismiss Plaintiff’s Original Complaint. [Dkt. No. 8]. AbbVie’s Memorandum in Support of its Motion to Dismiss Plaintiff’s Original Complaint was 14-pages, and it explained why complete dismissal was proper under a Texas statute that provides AbbVie with a presumption of non-liability in this case. [Dkt. No. 9]. Additionally, AbbVie’s supporting memorandum alternatively argued for dismissal based on Plaintiff’s failure to plausibly plead factual content that put AbbVie on proper notice of his claims. *Id.* at pp. 11-14.

2. In response to AbbVie’s Motion to Dismiss Plaintiff’s Original Complaint, Plaintiff opted to file an Amended Complaint as a matter of right on February 16, 2021. [Dkt.

No. 17]. Plaintiff's Amended Complaint is largely identical to his Original Complaint, except that he (a) expressly pleads that Illinois substantive law applies to the case, (b) includes new allegations regarding HUMIRA's medication guide, and (c) adds a new cause of action for Negligent Failure to Test. *Id.* at ¶¶ 14, 58-69, 134-141. AbbVie will move to dismiss Plaintiff's Amended Complaint on March 18, 2021 on largely the same grounds as it did Plaintiff's Original Complaint. AbbVie anticipates, however, that its Brief may exceed the 15-page limit set by this Court's Local Rules. *See* Local Rule 7.1 ("a brief in support of . . . any motion . . . shall [not] exceed 15 pages without prior approval of the court.").

3. AbbVie respectfully requests approval to extend the page limit for its Brief to total no more than 20 pages. AbbVie's Brief will exceed the 15-page limit because of the numerous legal issues and authorities that must be addressed and explained for the Court's consideration, including (a) why Texas's substantive law applies under the Restatement (Second) of Conflict of Laws, (b) how Plaintiff's Amended Complaint fails under Texas Civil Practice and Remedy Code § 82.007, which provides manufacturers of FDA-approved drugs with a presumption of non-liability for claims based on "warnings or information", and (c) why Plaintiff's Amended Complaint fails under *Twombly* even if some of his claims are not based on "warnings or information."

4. The parties have conferred, and the relief requested in this Motion is unopposed.¹ Moreover, considering the numerous issues addressed in AbbVie's Brief as mentioned above, AbbVie requests that Plaintiff be afforded the same page-limit (20) in his Response Brief.

¹ Plaintiff does not agree with AbbVie's characterization of his Amended Complaint or the arguments AbbVie advances in favor of dismissal. For purposes of this Motion, Plaintiff simply does not oppose an extension of the page limit.

WHEREFORE, AbbVie respectfully requests that the Court approve its request and enter the concurrently submitted Proposed Order extending the page limit for AbbVie's Brief to total no more than 20 pages.

Dated: March 12, 2021

Respectfully submitted,

Orlando R. Richmond, Sr.

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2021, the foregoing document was filed using the Court's CM/ECF system, which will send notification of this filing to all attorneys of record who have registered for CM/ECF updates.

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